

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

2:05cv1164-F

RECEIVED United States District Court	District MIDDLE
Name (under which you were convicted) JEFFERY-JAMES JACKSON	Docket or Case No.: D.C. 04-487-488
Place of Confinement: MONTEGOMERY CO. JAIL DETENTION FAC. U.S. DISTRICT COURT ALA MIDDLE DISTRICT ALA	Prisoner No.: 16703
Petitioner (include the name under which you were convicted) JEFFERY JAMES JACKSON	Respondent (authorized person having custody of petitioner) D.T. MARSHALL, et al
The Attorney General of the State of ALABAMA - TROY KING	

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: MONTGOMERY CO. DISTRICT COURT, MONTGOMERY, ALABAMA
- (b) Criminal docket or case number (if you know): D.C. 04-487-488
2. (a) Date of the judgment of conviction (if you know): MARCH 26, 2004
- (b) Date of sentencing: CASE BULID OVER TO GRAND JURY
3. Length of sentence: _____
4. In this case, were you convicted on more than one count or of more than one crime? Yes No
5. Identify all crimes of which you were convicted and sentenced in this case: I HAVE'NT BEEN CONVICTED ON THESE CRIMES. THE COURT AND THE STATE ARE REFUSING ME MY CONSTITUTIONAL RIGHT TO A TRIAL BY JURY AFTER I EXPRESSED MY DESIRE FOR TRIAL NUMEROUS TIMES.
6. (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? ON MARCH 26, 2004, I APPEARED IN DISTRICT COURT BEFORE JUDGE: LUCIE MCLEMORE. A PRELIMINARY HEARING WAS HELD TO DETERMINE IF OFFICER GUY NAQUIN HAD PROBABLE CAUSE TO ARREST ME FOR MURDER. THERE WAS NO PLEA ENTERED, THE CASE WAS BOUND OVER TO THE GRAND JURY.

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? Yes No

If yes, answer the following:

(1) Name of court: COURT OF CRIMINAL APPEALS

(2) Docket or case number (if you know): CR - 04 - 2118

(3) Result: COURT OF CRIMINAL APPEALS ORDERED THAT PETITION FOR WRIT OF HABEAS CORPUS, DENIED

(4) Date of result (if you know): AUGUST 2ND, 2005

(5) Citation to the case (if you know): STATE OF ALABAMA V. JEFFERY J. JACKSON

(6) Grounds raised: THE CUSTODY OF THE STATE/COUNTY VIOLATES THE LAWS AND THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF ALABAMA. THE STATE'S CUSTODY IS UNLAWFUL BECAUSE IT IS BASED ON A FABRICATED COMPLAINT.

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes No

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: THE SUPREME COURT OF ALABAMA

(2) Docket or case number (if you know): 1041851

(3) Date of filing (if you know): SEPTEMBER () 2005

(4) Nature of the proceeding: PETITION FOR WRIT OF HABEAS CORPUS

(5) Grounds raised: THE ARREST MADE FEBRUARY 18, 2004 WAS ILLEGAL AND BASED ON A FABRICATED COMPLAINT MADE BY THE ARRESTING OFFICER, GUY NIAGUIN. ON MARCH 26, 2004, A PRELIMINARY HEARING WAS HELD TO DETERMINE IF DETECTIVE: GUY NIAGUIN HAD PROBABLE CAUSE TO ARREST ME. THE DETECTIVE TESTIFIED UNDER OATH FALSELY. THE DEFENDANT FILED A MOTION FOR FAST AND SPEEDY TRIAL, THE COURT AND THE STATE WAIVE THAT RIGHT BY NOT RESPONDING.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: CIRCUIT COURT OF MONTGOMERY CO. ALABAMA.

(2) Docket or case number (if you know): N/A 'NOT AVAILABLE'

(3) Date of filing (if you know): OCTOBER 30TH 2005

(4) Nature of the proceeding: MOTION FOR FINAL DISPOSITION

(5) Grounds raised: THE DEFENDANT EXPRESSED HIS DESIRE FOR A FAST AND SPEEDY TRIAL FEBRUARY 16, 2004. SPEEDY TRIAL RIGHT IS TRIGGERED BY ISSUANCE OF WARRANT OF ARREST: BECAUSE THIS IS WHEN PROSECUTION IS COMMENCED.

STEELEY VS. CITY OF GADSDEN, 533 SO. 2d 671 (ALA. CRIM APP 1988). PURSUANT TO RULE 18, ALABAMA RULE OF CRIMINAL PROCEDURE, DEFENDANT'S IN ALL CRIMINAL CASES SHALL HAVE THE RIGHT TO BE TRIED BY A JURY.

ALL DEFENDANTS HAS A RIGHT TO SPEEDY TRIAL UNDER U.S. CONSTITUTION.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: NO RESPONSE FROM THE COURT.

(8) Date of result (if you know): NONE

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: CIRCUIT COURT OF MONTGOMERY, CO. ALABAMA.

(2) Docket or case number (if you know): N/A NOT AVAILABLE

(3) Date of filing (if you know): NOVEMBER 3RD, 2005

(4) Nature of the proceeding: MOTION TO DISMISS COMPLAINT.

(5) Grounds raised: THE EVIDENCE USED AT MY PRELIMINARY HEARING WAS FABRICATED BY THE THE STATE'S WITNESS, GUY NAQUIN, BASED ON THIS FACT THE COMPLAINT AGAINST THE DEFENDANT IS DUE TO BE DISMISSED WITH PREJUDICE. THE OFFICER FRAUDULENT CONCEALMENT AND SUPPRESSION OF THE FACTS VIOLATES THE DUTY, IN WHICH HE IS LEGALLY AND MORALLY BOUND TO DISCLOSE. FUNDUNBURK'S V. MICHIGAN MUR LIABILITY CO., 63 MICH. APP. 405, 234 N.W. 2d 545, 547.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: THERE IS NO RESPONSE.

(8) Date of result (if you know): N/A NOT AVAILABLE. UN-DISCLOSED.

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes No

(2) Second petition: Yes No

(3) Third petition: Yes No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: MY ARREST AND CHARGES ARE BASED ON A COMPLAINT THAT WAS FABRICATED BY LAW ENFORCEMENT OFFICERS.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): I WAS ARRESTED FEBRUARY 18TH 2004. MY PRELIMINARY HEARING WAS HELD MARCH 26, 2004. THE CASE WAS BOUND OVER TO BE HEARD BY THE GRAND JURY. I HAVE NOT BEEN PROPERLY BOOKED. I HAVE'NT BEEN READ MIRANDA RIGHTS PURSUANT TO THE CHARGES OF MURDER - ROBBERY 1ST ALL OF THE EVIDENCE GATHERED AGAINST ME IS ILLEGAL AND SHOULD'NT HAVE BEEN ALLOWED IN EVIDENCE AT MY PRELIMINARY HEARING.

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION TO DISMISS COMPLAINT

Name and location of the court where the motion or petition was filed: FILED - NOVEMBER 9TH 2005.

CIRCUIT COURT OF MONTGOMERY CO. FILED WITH CIRCUIT CLERK.

Docket or case number (if you know): N/A

Date of the court's decision: NO RESPONSE.

Result (attach a copy of the court's opinion or order, if available): N/A NOT AVAILABLE

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

THE CRIMINAL COURT OF APPEAL.Docket or case number (if you know): CR - 04- 2118Date of the court's decision: AUGUST 2ND, 2003

Result (attach a copy of the court's opinion or order, if available): _____

ORDER, OF CRIMINAL COURT OF APPEAL, PETITION FOR
HABEAS CORPUS, DENIED.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: THE ADMINISTRATIVE
REMEDY I USED WAS NUMEROUS COMPLAINT'S I FILED
EXPRESSING MY GRIEF CONCERNING MY ARREST/CUSTODY.

GROUND TWO: THE DISTRICT COURT'S DECISION TO BOUND THE
CASE OVER TO BE HEARD BY THE GRAND JURY IS UNCONSTITUTIONAL.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): THE COURT'S
AND THE STATE DIDN'T COMPLY WITH THE ALABAMA RULES
OF CRIMINAL PROCEDURE OR THE CLEARLY ESTABLISHED FEDERAL
LAWS AS DETERMINED BY THE SUPREME COURT OF THE
UNITED STATES. I DIDN'T RECEIVE PROPER NOTIFICATION FROM
THE DISTRICT COURT NOR WAS I PROPERLY COUNSELED BY
THE COURT APPOINTED ATTORNEY: ANTHONY T. CARTER. THE STATE
OFFERED A FALSE WITNESS WHO COMMITTED PERJURY INTENTIONALLY.

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION FOR FINAL DISPOSITION.

Name and location of the court where the motion or petition was filed: FILED - OCTOBER 30TH 2005

CIRCUIT COURT OF MONTGOMERY CO. FILED WITH CIRCUIT CLERK

Docket or case number (if you know): N/A NOT AVAILABLE

Date of the court's decision: NO RESPONSE FROM THE COURT

Result (attach a copy of the court's opinion or order, if available): UN-DISCLOSED

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

IN THE SUPREME COURT OF ALABAMA

Docket or case number (if you know): 1041851

Date of the court's decision: SEPTEMBER 28TH, 2005

Result (attach a copy of the court's opinion or order, if available): WIRIT OF HABEAS CORPUS,
RELIEF WAS DENIED.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: I HAVE REQUESTED ON NUMEROUS OCCASION FOR ASSISTANCE FROM THE ADMINISTRATION/COUNTY JAIL NAMELY, DIRECTOR GINA SAVAGE, ASS. DIRECTOR: ROBINSON, CAPT. PALMER-BYRD.

GROUND THREE: THE STATE VIOLATED THE CONSTITUTIONAL RIGHTS OF THE DEFENDANT AND PREJUDICE IS SHOWN IN THEIR ACTIONS.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): MY ABILITY TO PRESENT AN EFFECTIVE DEFENSE WAS DENIED. I WAS INFORMED ORIGINALLY THAT I SHOULD PREPARE FOR MURDER AND ROBBERY 1ST. THEN I DEMANDED A PRELIMINARY HEARING. I RECEIVED A NOTICE THAT SHOWED THAT I SHOULD PREPARE FOR MURDER ONLY. I WAS CONFUSED THEN AND STILL IS. THE COURT AND STATE DIDN'T COMPLY WITH DUE PROCESS OF LAW.

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION FOR PROBATION REVOCATION HEARING

Name and location of the court where the motion or petition was filed: FILED - OCTOBER 30TH 2005.

CIRCUIT COURT, MONTGOMERY, AL. FILED WITH CIRCUIT CLERK.

Docket or case number (if you know): N/A NOT AVAILABLE
 Date of the court's decision: NO RESPONSE FROM THE COURT. 0-0-2005
 Result (attach a copy of the court's opinion or order, if available):
DENIED - NO RESPONSE

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: CRIMINAL COURT OF APPEALS - STATE OF ALABAMA, 300 DEXTER AVE. P.O. BOX 301555, MONTG, AL.

Docket or case number (if you know): CR -04- 2252

Date of the court's decision: AUGUST 17TH 2005

Result (attach a copy of the court's opinion or order, if available):

PETITION FOR WRIT OF MANDAMUS - DISMISSED.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: I MOTION THE COURT FOR THE DISCOVERY I AM ENTITLED TO PURSUANT TO BRADY V. MARYLAND, 373 U.S. 66 (1976) MOTION DENIED, NO RESPONSE.

GROUND FOUR: INEFFECTIVE ASSISTANCE OF COUNSEL MADE BY THE COURT APPOINTED ATTORNEY- ANTHONY T. CARTER.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): I DIDN'T RECEIVE PROPER ASSISTANCE IN THIS CASE. MY ATTORNEY DIDN'T MAKE ANY LEGAL OBJECTION ON MY BEHALF. NO MOTIONS WAS MADE AT MY PRELIMINARY HEARING, AFTER IT WAS OBVIOUS THAT THE STATE'S WITNESS MADE FALSE ACCUSATIONS AGAINST ME. I FILED A COMPLAINT WITH THE ALA. STATE BAR. ON C.S.P. NO. 04-823(A) ANTHONY T. CARTER.

I HAVE BEEN INCARCERATED ALMOST (22) MONTHS WITHOUT
INDICTMENT. I FILED A FAST AND TRIAL MOTION, THERE HAS BEEN NO RESPONSE

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: PETITION FOR RELIEF FROM CONVICTION
Name and location of the court where the motion or petition was filed: FILED - CIRCUIT CLERK
MONTGOMERY, AL. P.O. BOX 1667, MONTG. AL. 36102

Docket or case number (if you know): N/A NOT AVAILABLE

Date of the court's decision: DENIED - NO RESPONSE

Result (attach a copy of the court's opinion or order, if available): _____

THE PETITIONER WAS DENIED RELIEF - FILED
JUNE 28TH 2005.

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: PETITION FOR WRIT OF HABEAS
CORPUS - FILED, JULY 21, 2005 WITH CIRCUIT CLERK.

Docket or case number (if you know): N/A

Date of the court's decision: NO RESPONSE

Result (attach a copy of the court's opinion or order, if available): _____

NONE

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: I HAVE CONTACTED THE CIRCUIT COURT, DISTRICT COURT AND MY COURT APPOINTED ATTORNEY: ANTHONY T. CARTER NUMEROUS TIMES WITH MY COMPLAINTS. I ALSO CONTACTED THE DISTRICT ATTORNEY OFFICE EXPRESSING THE SAME.

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT COURT OF ALABAMA, NORTHERN DIVISION, P.O. BOX 711, MONTGOMERY, AL 36101-0711 - CIVIL ACTION NO. 2:05-CV-460-F WO - PETITION FOR WRIT OF HABEAS CORPUS RELIEF, THE ISSUES RAISED ARE UNLAWFUL DETAINMENT, THE STATE'S CUSTODY VIOLATES CLEARLY ESTABLISHED FEDERAL AND STATE LAWS.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. DISTRICT COURT OF THE UNITED STATES - FOR THE MIDDLE DISTRICT OF ALABAMA - NORTHERN DIVISION, P.O. BOX 711 MONTGOMERY, AL. 36101-0711. CIVIL ACTION NO. 2:05-CV-1074-F. PETITION FOR WRIT OF HABEAS CORPUS RELIEF.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: ANTHONY T. CARTER - COURT APPOINTED

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: THE CIRCUIT COURT OF MONTGOMERY, CO. AL. 251 SO. LAWRENCE ST.

(b) Give the date the other sentence was imposed: JUNE 16, 2002

(c) Give the length of the other sentence: NONE

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

THERE IS NO JUDGMENT OF CONVICTION IN THIS CASE. THE DISTRICT COURT BOUND THIS CASE OVER TO BE HEARD BY THE GRAND JURY. THE ONE (1) YEAR STATUTE OF LIMITATION SHOULDN'T BAR MY PETITION BECAUSE THIS IS MY SECOND PETITION REQUESTING FOR RELIEF IN THIS CASE. THE ORDER, JUDGMENT AND DECREE OF THE COURT, THE PETITION FOR WRIT OF HABEAS CORPUS RELIEF WAS DISMISSED WITHOUT PREJUDICE TO AFFORD PETITIONER AN OPPORTUNITY TO EXHAUST ALL AVAILABLE STATE COURT REMEDIES. I HAVE EXHAUSTED ALL AND EVERY STATE COURT REMEDY I CAN THINK OF, THE CIRCUIT COURT AND THE STATE HAS NOT RESPONDED TO ANY OF MY REQUESTS OR DEMANDS.

I AM CHALLENGING THE ACTUAL BASIS FOR MY CUSTODY AT THIS PRESENT TIME, A FABRICATED COMPLAINT MADE ALMOST (2) YEARS AGO.

I AM CONTENDING THAT THE STATE'S CUSTODY VIOLATES THE CONSTITUTION AND THE LAWS OF THE UNITED STATES. THE PETITIONER AVER THAT THE STATE'S CUSTODY IS NOT VALID OR CONSTITUTIONAL. THE CLAIMS I PRESENTED TO THE STATE COURTS COULD HAVE BEEN DISCOVERED THROUGH THE EXERCISE OF DUE DILIGENCE.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: THE PETITIONER
SEEKS DECLARATORY AND INJUNCTIVE RELIEF FROM
THIS HONORABLE COURT.

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on DECEMBER
4TH 2005 (month, date, year).

Executed (signed) on 12/4/2005 (date).

Jeffery J. Jackson
Signature of Petitioner - PRO SE

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

* * * * *